



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels, Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

June 10, 2009

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

VIA CERTIFIED MAIL 7002 0510 0004 2583 0380

Timothy C. Gleason, Managing Member  
PRO Waste Systems LLC  
829 South East Street  
Indianapolis, Indiana 46225

Re: Approval of Solid Waste Facility Permit  
Solid Waste Facility Permit FP 49-56  
PRO Waste C/D Processing Facility  
Marion County

Dear Mr. Gleason:

PRO Waste Systems LLC is hereby issued solid waste facility permit FP 49-56, pursuant to IC 13-15-1-3 and 329 IAC 11-11-1. This approval is based on the construction/demolition processing facility permit application submitted to the Indiana Department of Environmental Management (IDEM), on November 25, 2008, and all subsequent amendments and addendums to the application. This permit issuance authorizes PRO Waste Systems LLC to construct and operate a solid waste processing facility and is subject to the terms of this letter and the enclosed requirements and conditions.

The solid waste facility referenced above is located at 905 & 909 West Troy Avenue, Indianapolis in Marion County and contains approximately 3.4 acres.

In accordance with 329 IAC 11-11-4, solid waste facility permit FP 49-56 does not authorize: any injury to any person or private property; the invasion of other private rights; the infringement of federal, state, or local laws or regulations; nor preempt any duty to comply with other state or local requirements.

IDEM may modify or revoke this permit in accordance with 329 IAC 11-11-6, and/or take enforcement action against the owner, operator, and/or permittee herein for failure to comply with the requirements and conditions of this permit.

In accordance with 329 IAC 11-11-1(c), this permit will not become effective until: (1) all financial responsibility documents have been executed and delivered to the Indiana Department of Environmental Management (IDEM) in the form and amount specified in this permit letter, and (2) any real estate transfers necessary to vest legal title of the real estate upon which the permitted activity is to occur in the name of the owner listed on the application have been completed, executed, and recorded and documents evidencing such transfer have been delivered to IDEM or proof of the applicant's agreement regarding the leasing of this property has been submitted to IDEM.

Mr. Gleason

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In accordance with 329 IAC 11-11-3, this permit is valid through June 15, 2014. To continue operation past this date, a renewal application must be submitted in accordance with 329 IAC 11-9-4 a minimum of one hundred twenty (120) days prior to the expiration date of the permit.

Pursuant to IC 4-21.5, a Petition for Review of this permit letter may be initiated by you, as applicant, or by an "aggrieved or adversely affected person". This permit becomes effective once all applicable time periods for petitioning for Stays of Effectiveness have expired, unless you are notified in writing by an Environmental Law Judge that the permit has been further stayed. As discussed in our enclosed Notice of Decision, if you wish to challenge this decision, you must file a Petition for Review with the Office of Environmental Adjudication within eighteen (18) days from the date that this permit letter was mailed, pursuant to IC 4-21.5-3-7.

If you have any questions regarding this matter, please call (800) 451-6027, press 0 and ask for John Hale, or ask for extension 2-8871 or call (317) 232-8871.

Sincerely,



Thomas Linson, Chief  
Permits Branch  
Office of Land Quality

Enclosure: Permit Requirements  
Notice of Decision  
Letter to the Indianapolis Star  
Letter to the West Indianapolis Branch Library

cc: Marion County Health Department (with enclosure)  
Marion County Commissioners (with enclosure)  
The Honorable Gregory A. Ballard, Mayor of Indianapolis (with enclosure)  
The Honorable Bob Cockrun, President,  
Indianapolis-Marion County City-County Council (with enclosure)

## **PERMIT REQUIREMENTS**

- A. General Requirements**
- B. Construction Requirements**
- C. Pre-Operational Requirements**
- D. Closure/Post-Closure Requirements**

## **A. GENERAL REQUIREMENTS**

- A1. It is recommended that all required submittals be printed double-sided and sent via certified mail. An additional copy should also be submitted in Acrobat PDF format by CD, DVD, or other media acceptable to the Indiana Department of Environmental Management (IDEM). All reports, notifications, ground water reports, and other information required to be submitted by this permit should be sent to:

**John Hale**  
**Indiana Department of Environmental Management**  
**Office of Land Quality**  
**Solid Waste Permits Section**  
**100 North Senate Avenue, Rm. 1154**  
**Indianapolis, Indiana 46204-2251**

- A2. The facility is approved to accept only construction/demolition waste as defined by 329 IAC 10-2-37.
- A3. The facility shall operate in accordance with the applicable requirements of 329 IAC 11.
- A4. The following requirements apply to insignificant modifications at the facility:
- a. The permittee may not be required to apply for a minor or a major modification of the current permit from IDEM if proposing one of the insignificant modifications described in 329 IAC 11-2-19.5.
  - b. If the permittee proposes or is required to make one of the insignificant modifications described at 329 IAC 11-2-19.5, the permittee shall follow the procedures for an insignificant modification described at 329 IAC 11-9-6.
- A5. The facility shall not operate in wet weather and/or when surface water is at or above the level of the processing pad.
- A6. The processing pad shall be maintained with proper slope and operated without ponding of water.
- A7. Waste shall not remain on the processing pad overnight, or during wet weather conditions.
- A8. The permittee shall notify IDEM by letter fifteen (15) days prior to increasing the processing and work areas as shown on the plan sheet titled, "Existing Site Plan," revised March 24, 2009.
- A9. The facility that received industrial process waste, as defined in 329 IAC 11-2-17, shall comply with the requirements of 327 IAC 15-6

## **B. CONSTRUCTION REQUIREMENTS**

- B1. The ground surface around the facility must be properly sloped, graded, and maintained to promote proper surface water run-off and to prevent ponding of water.
- B2. The facility shall be constructed according to the plans submitted to IDEM. Any changes in the plans must be submitted to and approved by IDEM.
- B3. Certified as built/record drawing(s) must be provided within thirty (30) days from the completion of the construction. The drawing(s) must describe all of the surface, including the floor elevation of each corner, slope breaks, all pipe inverts, and the top of castings.

## **C. PRE-OPERATIONAL REQUIREMENTS**

- C1. The permittee shall comply with the requirements of 329 IAC 11-12 (Operational Approval and Pre-Operational Requirements), upon completion of the construction of the Future Expansion Area described on the Plan Sheet entitled, "Existing Site Plan," revised March 24, 2009.
- C2. The facility shall notify IDEM in writing when all applicable pre-operational requirements as specified in 329 IAC 11-12-2(1) through (3) have been completed, for the Future Expansion Area. Unless IDEM denies operational approval within fourteen (14) days of receipt of such notice, the facility may begin to accept solid waste in accordance with its permit.

## **D. CLOSURE/POST-CLOSURE REQUIREMENTS**

- D1. The permittee must close and maintain the facility during the one-year post-closure period that:
  - a. Minimizes the need for further maintenance;
  - b. Controls post-closure escape of contaminants to the ground surface, surface waters, ground waters or the atmosphere;
  - c. At a minimum is in compliance with all applicable requirements of this permit.
- D2. The permittee shall notify IDEM when the facility closes. The final closure of the facility shall be initiated within seventy-two (72) hours after receiving the final volume of waste. The following closure activities shall be performed at the facility during the final closure:
  - a. Notification of all affected parties that the facility closed. A sign and reference of the nearest landfill or other processing facility may be established at the site.
  - b. Removal of all solid waste left or stored at the facility. The waste must be properly disposed of at a permitted facility. Removal of all storage containers and recyclable materials.

- c. Clean-up of tipping floor and waste storage areas so they are free of waste and contaminated liquid.
  - d. Removal of wastewater holding tanks if applicable. The wastewater must be pumped out and properly disposed of in accordance with local, State, and federal statutes and rules.
  - e. Clean-up of septic tank if applicable.
  - f. Clean-up of sediment pond wherever applicable. Dredging of sediments may be necessary.
- D3. Waste that contains any significant putrescible component, or any other waste that may create pollution conditions, shall be removed from the facility within two (2) days of initiation of the facility final closure. All other closure activities shall be completed within ninety (90) days of initiation of the final closure activities.
- D4. The permittee shall submit to IDEM within thirty (30) days of closure, a certification signed by the permittee which specifically identifies the closed facility and documents that the closure was performed in accordance with the above-listed conditions. The certification shall also include the facility contact person during the post-closure care period, the person's name, address, and phone number.
- D5. The final closure will be deemed adequate unless within ninety (90) days of receipt of the certification required in Condition D4 of this letter, IDEM issues a request for additional information for final closure, including additional action which needs to be taken and the timetable for the necessary additional action.
- D6. The permittee shall perform post-closure care for one (1) year at the facility following completion of closure activities. The following duties shall be implemented after closure of the facility has been certified and deemed adequate by IDEM:
- a. Inspection of the facility semi-annually followed by a written inspection report on the condition of the facility to be submitted to IDEM within thirty (30) days of the inspection.
  - b. Maintenance of the facility surface water run-off control wherever applicable.
  - c. Maintenance of access control.
  - d. Removal of any waste that may be illegally dumped at the closed facility.
- D7. When the post-closure care requirements as specified in Condition D6 of this letter have been completed, the permittee shall submit within thirty (30) days a certification statement signed by the permittee that the post-closure care requirements have been met. The post-closure certification will be deemed adequate unless within ninety (90) days of receipt of the certification, IDEM issues a request for additional information for post-closure, including action necessary to correct the deficiency.

- D8. Subsequent to the completion of post-closure, the owner or operator of a closed facility or the owner of real estate upon which a closed facility is located shall be responsible for immediately correcting and controlling any nuisance conditions occurring at the facility.
- D9. The permittee shall adequately fund closure and post-closure of the facility. Until final closure of the facility is certified, the permittee must annually review and submit to IDEM the updated financial closure and post-closure estimate no later than June 15 of each year. As a part of the annual review, the permittee must revise the closure and post-closure estimates as listed in 329 IAC 10-39-2(c)(1)(A) and (B) and/or for any changes in the facility plans that may increase the cost of closure or post-closure.
- D10. The permittee shall establish financial responsibility of closure and post-closure similar to that provided for in 329 IAC 10-39 prior to beginning operations at the facility. The sum used for funding of the closure and post-closure of the facility shall be sixteen thousand dollars (\$16,000). The permittee may revise the cost estimates by submitting a detailed cost analysis for closure and post-closure of the facility. The revised cost estimates must be approved by IDEM prior to implementation of any changes in the originally approved fund. However, the sum of the closure cost estimate and post-closure cost estimate shall not be less than four thousand dollars (\$4,000) per acre or a fraction of an acre covered by the permitted facility.

